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EXAMINER
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SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/823,377

Applicant(s)

FERMAN ET AL.

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-38 and 42-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-38 and 42-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 08/25/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 2-5, rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** in view of **Ivanyi (6,286,140)**, Applicant amends the claims, discusses the prior arts of record and further argues that, "The Examiner's rejection of claims 2-5 is improper, as the prior art fails to disclose a motive for combining the teachings of Alexander and Ivanyi..." that "...neither Ivanyi nor Alexander discloses any prior art motive for including the instantaneous information regarding a user's volume settings within the thesaurus of Alexander's user profile..." that "...not only is there a lack of prior art motive to make the suggested combination, but neither of the systems disclosed... would be independently capable of accomplishing the dual purposes of both reference..." that "...Alexander's user profile is periodically updated using stored information about a user's past content choices, Alexander discloses no teaching as to how information on volume settings might be used to update a user preferences description..." and further states that "...Examiner's rejection of claims 2-5 should therefore be withdrawn..." (see page labeled 10 of 15+ of applicant's arguments).

In response Examiner disagrees. Examiner notes applicant arguments, however, Examiner maintains the rejection is proper. It appears applicant's arguments are directed against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck &*

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Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary, nor is it that the claimed invention must be expressly suggested in any one or all the references, but rather the combined teachings of the references that would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case Alexander teaches collecting user usage history information or a user's interaction to presented multimedia information including channel changes, changing volume, searching, etc., (col.28, lines 30-67) and periodically or ongoing basis updating user preferences and customizing or targeting multimedia services to users based on usage history (col.11, lines 63-col.12, line 1+ and col.29, line 14-col.31, line 24 and line 62-col.32, line 1+). Alexander is silent to where the usage history includes at least one...of: a user pausing content; a user fast forwarding content; a user rewinding content; a user muting content; a user increasing the volume of content; a user decreasing the volume of content..." However, in the same field of endeavor, i.e., monitoring physical reaction of a user at a TV receiver, this deficiency is disclosed in Ivanyi reference, which discloses system and method for measuring and storing information pertaining to TV viewer or user behavior and further discloses usage description of user's actions including muting content, increasing/decreasing the volume (col.5, lines 29-58, col.6, lines 5-22 and line 53-col.7, line 63). In view of the above, the combination of Alexander in view of Ivanyi is proper and appropriate motivation was given. Hence the rejection is hereby maintained.

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With respect to claims 6-10 and 43, rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** in view of **Del Sesto et al. (6,530,082)**, applicant further argues that "...there is no prior art suggestion to express the claimed time in both media and coordinated universal time..." that "...Del Sesto, expressly discloses...time in either a coordinated universal time or local time for broadcast receivers..." that "...Examiner never made any attempt to explain why one of ordinary skill in the art would at best read Del Sesto's express teaching that either one or the other may be used as suggestion for a substitution rather than addition..." (see page labeled 12 of 15+).

In response, Examiner disagrees. Examiner notes applicant's argument. It appears applicant's arguments are directed against the references individually, however for the same reasons discussed above, Examiner maintains the rejection is proper. In this case Alexander teaches different times associated with at least one of the audio, image and video (col.28, line 13-col.29, line 55), but silent to expressing the time in coordinated universal time and media time, however this deficiency is disclosed in Del Sesto reference, which teaches, in the same field of endeavor, a monitoring of viewership and usage of interactive applications using UTC time or subscriber's local time for Broadcast Receiver's (BR) 120 (col. 9, lines 6-40). Hence the 103(a) rejection Alexander in view of Del Sesto is proper, meets all the claimed limitations and maintained and furthermore appropriate motivation was given.

With respect to the rejections of claims 11, 16 and 34, applicant further discusses the prior arts of record and further argues that, "... Examiner's... motive... is senseless for the very same reason-Alexander's profile is only used in a set top box..."

In response, Examiner disagrees. Examiner notes applicant's arguments. It appears applicant's arguments are directly to the individual reference, however Examiner maintains, the references are in the same field of endeavor and hence maintains for the same reason discussed above the rejection is proper, meets all the claimed limitations and maintained.

With respect to claims 24-27, rejected under Alexander in view of **Juels (2002/0026345)** applicant further discusses the prior arts of record and further states that, "... one of ordinary skill in the art would never modify Alexander's system to include..."

In response, Examiner disagrees. Examiner notes applicant's arguments, however, Examiner maintains one of ordinary skilled artisan, would have been motivated to modify Alexander's system with the teaching of Juels for the advantage given in the office action discussed below. Hence, Examiner maintains the rejection is proper, meets all the claimed limitation and maintained. **This office action is made final**

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-5 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** in view of **Ivanyi (6,286,140)**.

As to claim 2, note the **Alexander et al** figures 1-3, discloses monitoring viewer's interaction with television, video, audio, etc., and external source of information, to create a viewer's profile, and customizes various presentation based on the viewer's interaction and further discloses in combination with audiovisual information management system resident on an electronic device having a memory (RAM) containing a usage preferences description scheme that describes current preferences of a user with respect to at least one of an audio, an image, or video comprising a plurality of frames, a usage history description scheme for at least one of an audio, an image, and video comprising a plurality of frames, the usage history description scheme comprising:

"Information stored in the memory about a user about a user..." is met by Viewer's Profile or Preferences (col. 28, lines 11-col. 29, line 1+), note that the viewer's profile "usage history description scheme" contains information about a user with respect to at least one of audio, image and video, based upon the viewer's interaction "previous usage" of the at least one of the audio, image, and video and the profile information includes at least one description type defined by, at least in part, a thesaurus (col. 29, lines 14-55), note that the viewer's profile information is data collected concerning, and surrounding, viewer's interactions with the television, EPG

(recording and watching functions), Internet, WWW, and any other sources of information and is sent to the Headend of the television distribution for analysis, customizing of the television program, by themes (col. 30, line 45-col. 31, line 8 and lines 25-61); and

the usage history description scheme operatively interconnected to the usage preferences scheme so as to periodically update the usage preferences description scheme (col.29, line 14-col.31, line 24 and line 62-col.32, line 6).

Alexander fails to explicitly teach "usage history description scheme including at least one description type defined by, at least in part, thesaurus describing possible user actions including at least one of: a user pausing content; a user fast forwarding content; a user rewinding content; a user muting content; a user increasing the volume of content; a user decreasing the volume of content..."

However, note the Ivanyi reference figs.1-5, discloses system and method for measuring and storing information pertaining to TV viewer or user behavior and further discloses usage description of user's actions including muting content, increasing/decreasing the volume (col.5, lines 29-58, col.6, lines 5-22 and line 53-col.7, line 63).

There it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ivanyi into the system of Alexander to provide a more accurate usage description scheme of a user.



As to claims 3-5, Alexander further discloses where the profile describes information of the viewer with respect to audio, image and video (col. 12, lines 30-43, col. 28, lines 46-52, col. 29, lines 30-55, col. 31, lines 34-46 and col. 34, lines 10-25).

Claim 41 is met as previously discussed with respect to claim 2.

4. Claims 6-10 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** in view of **Del Sesto et al. (6,530,082)**.

As to claims 6-7, note the **Alexander et al** figures 1-3, discloses monitoring viewer's interaction with television, video, audio, etc., and external source of information, to create a viewer's profile, and customizes various presentation based on the viewer's interaction and further discloses in combination with an audiovisual information management system resident on an electronic device having a memory, a description scheme for at least one of an audio, an image, and video comprising a plurality of frames comprising:

the claimed "information about a user..." is met by Viewer's Profile or Preferences (col. 28, lines 11-col. 29, line 1+), note that the viewer's profile "description scheme" contains information about a user with respect to at least one of audio, image and video based upon interaction "previous usage" of the at least one of the audio, image, and video and the profile information includes at least one type characterized by, at least in part, a time associated with the at least audio, image and video (col. 29, lines 50-55 and col. 30, line 59-col. 31, line 8), note that the viewer's profile information is data collected concerning, and surrounding, viewer's interaction with the television, EPG (recording and watching functions), Internet, WWW, and any other sources of

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information and is sent to the Headend of the television distribution for analysis, customizing of the television program, by themes (col. 31, line 25-col. 32, line 6).

Alexander teaches preferences or profiles based on media time (col.14, line 48-col.15, line 3 and col.28, line 13-col.29, line 1+), but fails to explicitly teach the description scheme is expressed in coordinated universal time (UTC).

However, note the **Del Sesto** reference teaches monitoring of viewership and usage of interactive applications using UTC time or subscriber's local time for Broadcast Receiver's (BR) 120 (col. 9, lines 6-40).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Del Sesto into the system of Alexander to provide a UTC time and synchronize the clocks to using a standard time-base and allow the system to operate independent of the relative positions of the receivers and transmitters without the need to synchronize receivers and transmitters.

Claims 8-10 are met as previously discussed with respect to claims 3-5.

Claim 42 is met as previously discussed with respect to claim 6.

5. Claims 11-16, 19-23, 34-38, 43-44 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al. (6,177,931)** in view of **Schnase et al (6,078,928)**.

As to claim 11, note the **Alexander et al** figures 1-3, discloses monitoring viewer's interaction with television, video, audio, etc., and external source of

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information, to create a viewer's profile, and customizes various presentation based on the viewer's interaction and further discloses in combination with an audiovisual information management system resident on an electronic device having a memory, a usage history description scheme for at least one of an audio, an image, and video comprising a plurality of frames, the usage history description scheme comprising:

the claimed "the usage history description scheme containing information about a user..." is met by Viewer's Profile or Preferences (col. 28, lines 11-col. 29, line 1+), note that the viewer's profile "usage history description scheme" contains information about a user with respect to at least one of audio, image and video based upon interaction "previous usage" of the at least one of the audio, image, and video; where themes, such as, sports, news, movie, sitcom, etc., "content descriptions" (col. 29, lines 14-67) other source of information, such as buying a particular appliance, car, etc., (col. 30, 1-37) referenced by the profile and the system including referencing functionality permitting the profile to customizes "reference selected portions" of sports, news, movies, sitcom, etc., such as particular type of sports, news, movies, etc.

Alexander fails to explicitly teach where the usage history description scheme is stored on a mobile storage device selectively insertable into a multimedia system.

However, note the **Schnase** reference figures 1 and 6-8, discloses site-specific interest profiling system where usage history description scheme is stored on a smartcard selectively insertable into a multimedia system.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Schnase into the system of Alexander to

provide a portable storage device such as a smartcard containing usage data or user's profile, and which provides privacy to users and also programming flexibility.

As to claim 12, Alexander further discloses where the selected portion is to a segment of video that the user reviews in slow motion (col. 15, lines 9-21 and col. 22, lines 10-18).

As to claims 13 and 14, Alexander further discloses where the selected portion is a hyperlink and a web site (col. 28, line 60-col. 29, line 55).

As to claim 15, Alexander further discloses where the selected portion is an EPG (col. 28, line 60-col. 29, line 55).

As to claim 16, note the **Alexander et al** figures 1-3, discloses monitoring viewer's interaction with television, video, audio, etc., and external source of information, to create a viewer's profile, and customizes various presentation based on the viewer's interaction and further discloses in combination with an audiovisual information management system resident on an electronic device having a memory, a usage history description scheme for at least one of an audio, an image, and video comprising a plurality of frames, the usage history description scheme comprising:

the claimed "the usage history description scheme containing information about a user..." is met by Viewer's Profile or Preferences (col. 28, lines 11-col. 29, line 1+), note that the viewer's profile "usage history description scheme" contains information about a user with respect to at least one of audio, image and video based upon interaction "previous usage" of the at least one of the audio, image, and video; where the system captures content for the profiles such as themes: sports, news, movie, sitcom, etc.,

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“selectable level of detail” (col. 29, lines 14-67) and other source of information, such as buying a particular appliance, car, etc., (col. 30, 1-37).

Alexander fails to explicitly teach where the usage history description scheme is stored on a mobile storage device selectively insertable into a multimedia system.

However, note the **Schnase** reference figures 1 and 6-8, discloses site-specific interest profiling system where usage history description scheme is stored on a smartcard selectively insertable into a multimedia system.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Schnase into the system of Alexander to provide a portable storage device such as a smartcard containing usage data or user's profile, and which provides privacy to users and also programming flexibility.

As to claims 19 and 20, Alexander further discloses where the selected level captures all the user actions and statistical information regarding the user actions (col. 28, line 11-col. 29, line 1+).

Claims 21-23 are met as previously discussed with respect to claims 3-5.

As to claim 34, note the **Alexander et al** figures 1-3, discloses monitoring viewer's interaction with television, video, audio, etc., and external source of information, to create a viewer's profile, and customizes various presentation based on the viewer's interaction and further discloses method including a usage history description scheme for at least one of an audio, an image, and video comprising a plurality of frames comprising:

the claimed “the usage history description scheme containing information about a user...” is met by Viewer’s Profile or Preferences (col. 28, lines 11-col. 29, line 1+), note that the viewer’s profile “usage history description scheme” contains information about a user with respect to at least one of audio, image and video based upon interaction “previous usage” of the at least one of the audio, image, and video; where the system selectively defining the content for the profiles such as themes: sports, news, movie, sitcom, etc., “multiple levels of granularity” (col. 29, lines 14-67) and other source of information, such as buying a particular appliance, car, etc., (col. 30, 1-37), note that the user’s profile information can further be directed to a type of sports (baseball, basketball, etc.), movies, news, sitcom, etc.

Alexander fails to explicitly teach where the usage history description scheme is stored on a mobile storage device selectively insertable into a multimedia system.

However, note the **Schnase** reference figures 1 and 6-8, discloses site-specific interest profiling system where usage history description scheme is stored on a smartcard selectively insertable into a multimedia system.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Schnase into the system of Alexander to provide a portable storage device such as a smartcard containing usage data or user’s profile, and which provides privacy to users and also programming flexibility.

Claim 35 is met as previously discussed with respect to claim 29.

Claim 36 is met as previously discussed with respect to claim 30.

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As to claims 37 and 38, Alexander further discloses where the content, is used by parents to track children's viewing habits and access to objectionable content (col. 17, lines 13-36)

As to claims 43-44 and 48, Alexander further discloses where the information is processed to determine preferences of the user (col. 28, lines 11-col. 29, line 1+).

6. Claims 28-33 and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al. (6,177,931)** in view of **Sahai et al (6,594,699)**.

As to claim 28, note the **Alexander et al** figures 1-3, discloses monitoring viewer's interaction with television, video, audio, etc., and external source of information, to create a viewer's profile, and customizes various presentation based on the viewer's interaction and further discloses in combination with an audiovisual information management system resident on an electronic device having a memory, a usage history description scheme for at least one of an audio, an image, and video comprising a plurality of frames, the usage history description scheme comprising:

the claimed "the usage history description scheme containing information about a user..." is met by Viewer's Profile or Preferences (col. 28, lines 11-col. 29, line 1+), note that the viewer's profile "usage history description scheme" contains information about a user with respect to at least one of audio, image and video based upon interaction "previous usage" of the at least one of the audio, image, and video; where the system selectively defining the content for the profiles such as themes: sports, news, movie, sitcom, etc., "multiple levels of granularity" (col. 29, lines 14-67) and other source of

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information, such as buying a particular appliance, car, etc., (col. 30, 1-37), note that the user's profile information can further be directed to a type of sports (baseball, basketball, etc.), movies, news, sitcom, etc.

Alexander, fails to explicitly teach where the system permits a user to selectively define the content of the usage description scheme at multiple levels of granularity.

However, note the **Sahai** reference figures 1 discloses a client/server system that permits a user to selectively define the content of the usage description scheme at multiple levels of granularity (col.4, lines 9-40).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Sahai into the system of Alexander and permit the user selectively control the data being received as desired.

As to claim 29, Alexander further discloses where the multiple levels of granularity are defined for multiple users (col. 17, lines 13-36).

As to claim 30, Alexander further discloses where the multiple levels of granularity are used to generate personalized programming (col. 30, line 45-col. 31, line 1+ and col. 32, lines 23-34).

Claims 31-33 are met as previously discussed with respect to claims 3-5.

Claims 46-47 are met as previously discussed with respect to claim 28.

7. Claims 24-27 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** in view of **Juels (2002/0026345)**.



As to claim 24, note the **Alexander et al** figures 1-3, discloses monitoring viewer's interaction with television, video, audio, etc., and external source of information, to create a viewer's profile, and customizes various presentation based on the viewer's interaction and further discloses a usage history description scheme for at least one of an audio, an image, and video comprising a plurality of frames comprising:

the claimed "the usage history description scheme containing information about a user..." is met by Viewer's Profile or Preferences (col. 28, lines 11-col. 29, line 1+), note that the viewer's profile "usage history description scheme" contains information about a user with respect to at least one of audio, image and video based upon interaction "previous usage" of the at least one of the audio, image, and video (col. 29, lines 14-55); note that the viewer's profile information is data collected concerning, and surrounding, viewer's interactions with the television, EPG (recording and watching functions), Internet, WWW, and any other sources of information and is sent to the Headend of the television distribution for analysis, customizing of the television program, by themes (col. 30, line 45-col. 31, line 8 and lines 25-61).

Alexander fails to explicitly teach where a user's profile, includes data indication whether personal identification information of the user is intended to be revealed to third parties.

However, note **Juels** reference discloses target delivery of informational content with privacy protection, where the user's profile includes data indicating whether personal identification information of the user is intended to be revealed to third parties (page 3, [0035], page 4, [0048-0050], page 7, [0071] and [0075]).

Therefore it would have been obvious to one of ordinary at the time of the invention to incorporate the teaching of Juels into the system Alexander to permit the user choose portion of his profile may be conceal and provide privacy protections to the users profile information.

Claims 25-27 are met as previously discussed with respect to claims 3-5.

As to claim 45, Alexander further discloses where the information is processed to determine preferences of the user (col. 28, lines 11-col. 29, line 1+).

8. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** in view of **Schnase et al (6,078,928)** as applied to claim 16 above, and further in view of **Sahai et al. (6,594,699)**.

As to claims 17 and 18, Alexander as modified by Schnase, fail to explicitly teach where the level of detail is based, at least in part, on the capabilities of the system and where the selectable level of detail are suitable for interchangeable with other such systems.

However, **Sahai** teaches selecting video, audio and image for a system base on the system capabilities or preferences/specifications and where the selection is suitable for interchangeable with other such systems (col. 2, lines 46-64 and col. 4, lines 9-63).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Sahai into the system to Alexander as modified by Schnase to customize multimedia based on the system capabilities or preferences/specifications and interchanging with other systems and perform intelligent

data transfer based on the capabilities and preferences and also provide services to other user devices or systems.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellis et al (6,898,762) disclose client-server EPG.

Maissel et al (6,637,029) disclose intelligent EPG.

Williams et al (5,945,988) disclose method and apparatus for automatically determining and dynamically updating user preferences in an entertainment system.

**10. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to be 'AS' with a stylized flourish.

**Annan Q. Shang**